REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Double Patenting

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 28 of copending Application No. 10/826,630.

This is a provisional obviousness-type double patenting rejection.

Claim 1 of this instant application	Claim 28 of the application 10/826,630
Claim 1: A machine-base method Comprising in connection with a project generating a predictive model based on historical data about a system being modeled.	**Claim 1: A machine-based method comprising in connection with a project which a user generates a predictive model based on historical data about a system being modeled: Selecting variables having at least a predetermined level of significance from a pool of potential predictor variables associated with the data, to form a population of predictor variables, extending the population to include non-linear interactions of variables, extending the population to include linear and non-linear extensions with remaining previously excluded variables, generating a possible model of the extended population of variables using a subsample of the data, determining whether the model generalizes to the data other than the subsample, if so, applying the possible model to all of the data to generate a final model, and cross-validating the final model using random portions of the data.**
Enabling the user to validate a model development process with a predictive model between at least two subsets of the historical data, and interacting with the system being modeled based on the predictive model	**Claim 28: The method of claim 1 also enabling the user to invoke at least one validated model development process to produce a final model enabling the use to observe the performance of the final model on at least two independent subsets.**

Note the comparisons above, respectively Claim 1 of the instant application are not patentably distinct from claim 28 of the application 101826,630 because as shown from the table above claim 28 of application 101826,630 fully shows the limitations of claim 1 of the instant application.

For example, claim 1 of the instant application is broader in scope and does not mention a number of limitations such as "selecting variables having at least a predetermined level of significance from a pool of potential predictor variables associated with the data, to form a population of predictor variables, extending the population to include non-linear interactions of variables, extending the population to include linear and non-linear extensions with remaining previously excluded variables, generating a possible model of the extended population of variables using a subsample of the data, determining whether the model generalizes to the data other than the subsample, if so, applying the possible model to all of the data to generate a final model, and cross-validating the final model using random portions of the data" as recited in claim 28 of the application 101826,630. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have claim 1 of the instant application be clearly shown by claim 28 of application 101826,630.

The applicant disagrees with the examiner's position but may file a terminal disclaimer depending on the future course of the prosecution in light of the current amendments.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lazarus et al. (U.S. Patent Number: 6,430,539)

As to independent claim 1, Lazarus discloses a machine-base method comprising in connection with a project generating a predictive model (e.g. creates a predictive model) based on historical data about a system being modeled (e.g., based on historical data) (see Col. 4, Lines 11 -16), enabling the user to validate a model development process with a predictive model (e.g., validation used to confirm model performance) (see Col. 4, Lines 25-26) between at least two subsets of the historical data (e.g., clusters/segments) (see Col. 4, Lines 11-28; and Col. 34, Lines 20-34), and interacting with the system being modeled based on the predictive model (e.g., lift chart) (see Col. 35, Lines 32-38).

As amended, claim 1 describes enabling the user to validate a model development process with a predictive model between at least two subsets of the historical data and applying the validated model development process to a full set of historical data to generate a final model.

Lazarus does not describe and would not have made obvious the features of claim 1. Lazarus describes analyzing and predicting consumer financial behavior by applying a predictive model of consumer spending patterns for each of created merchants segments. (See., e.g., Lazarus, col. 2, line 66 to col. 3, line 7.) Lazarus has nothing to do with "validating a model development process" and "applying the validated model development process to a full history data to generate a final model".

As to independent claim 6, Lazarus discloses a machine-based method comprising in connection with a process (e.g., data processing) (see

Col. 1, Line 30), generating a predictive model (e.g. creates a predictive model) based on historical data about a system being modeled (e.g., based on historical data) (see Col. 4, Lines 11-16) using a validated model development process (e.g., validation and analysis of the segment predictive models done to confirm model performance) (see Col. 11, Lines 21- 23) to enable automatic transformations of variables of the data (e.g., variables) (see Col. 11, Lines 13-23), automatic generation of a predictive model (e.g, creates a predictive model) (see Col. 4, Lines 11-16), and automatic generation of performance measures of the predictive model (e.g., confirm model performance) (see Col. 4, Lines 25-26) on at least two independent datasets of historical data (e.g., clustersIsegments) (see Col. 4, Lines 11-28; Col. 11, Lines 63-67; and Col. 33, Lines 33-67), and interacting with the system being modeled based on the predictive model (e.g., lift chart) (see Col. 35, Lines 32-38).

Amended claim 6 includes similar features to claim 1 and is patentable for at least the same reasons.

All of the dependent claims are patentable for at least similar reasons as those for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The fee in the amount of $525 for the Petition for Extension of Time fee is being paid on the electronic filing system by way of deposit account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket 17146-008001.

Respectfully submitted,

Date: 6/12/8

David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21812315.doc